

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

IN RE:) Case No. 23-08949
)
TOMASZ ROG,) Judge Goldgar
)
Debtor(s)) Chapter 7

NOTICE OF MOTION

To the following parties that have been noticed by CM/ECF electronic delivery:

United States Trustee Patrick Layng: USTPRegion11.ES.ECF@usdoj.gov
Chapter 7 Trustee Ira Bodenstein

To the following parties that have been noticed by certified U.S. mail, postage pre-paid:

President Roger Hochschild, 502 E. Market St., Greenwood, DE 19950

To the following parties that have been noticed by first-class U.S. mail, postage pre-paid:

See Attached List.

PLEASE TAKE NOTICE that on July 24, 2023, at 9:30AM, I will appear before the Honorable Judge Goldgar, or any judge sitting in that judge's place, **either** in courtroom 642 of the Everett McKinley Dirksen United States Courthouse, at 219 S. Dearborn Street, Chicago, IL 60604, or electronically as described below, and present the **MOTION TO AVOID LIENS**, a copy of which is attached.

Important: Only parties and their counsel may appear for presentment of the motion electronically using Zoom for Government. All others must appear in person.

To appear by Zoom using the internet, go to this link: <https://www.zoomgov.com/>. Then enter the meeting ID and passcode.

To appear by Zoom using a telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and passcode.

Meeting ID and passcode. The meeting ID for this hearing is 161 500 0972, and the passcode is 726993. The meeting ID and passcode can also be found on the judge's page on the court's website.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without calling it.

By: /s/ Dustin B. Allen.

Dustin B. Allen, Attorney for Debtor

CERTIFICATE OF SERVICE

I, , hereby certify that this Notice and all attachments were served in the manner described upon the parties named above, on or before July 17, 2023.

/s/ Dustin B. Allen.
Dustin B. Allen (#6312451)
Attorney for Debtor
8707 Skokie Blvd. #312
Skokie, IL 60077
Dustin@FreydinLaw.com
Phone: 773-980-9004

Service List

To the following parties that have been noticed by first-class U.S. mail, postage pre-paid:

Discover Financial Services
Corporation Trust Center
1209 Orange St.
Wilmington, DE 19801

Midland Credit Management, Inc.
c/o Illinois Corporation Service Co.
801 Adlai Stevenson Drive
Springfield, IL 627703

President Ryan Bell
350 Camino De La Reina #300
San Diego, CA 92108

Blitt and Gaines, P.C.
775 Corporate Woods Pkwy.
Vernon Hills, IL 60061

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MOTION TO AVOID LIENS

NOW COMES Tomasz Rog (“Debtor”), by and through their attorney, David Freydin of the Law Offices of David Freydin, and moves this Honorable Court to enter an Order avoiding liens, and in support thereof state as follows:

1. The Debtor filed the above captioned voluntary petition for relief under Chapter 13 of the United States Bankruptcy Code on July 10, 2023.
2. The Debtor is the owner of real property located at 6048 W. Patterson Ave., Chicago, IL 60634.
3. The Debtor’s Schedule A/B values the property at \$223,000.00. Schedule D lists first and second mortgages with balances of \$276,550.00 and \$150,000.00.
4. In addition to these mortgage liens, the property is encumbered by two judgement liens.
5. First, the lien of Midland Credit Management, Inc., is a result of a Memorandum of Judgment recorded January 5, 2021, as a result of a judgment of \$1,032.00 plus costs from case number 20-M1-100577. See Exhibit A.
6. Second, the lien of Discover Bank is a result of a Memorandum of Judgment recorded July 14, 2021, as a result of a judgment of \$4,800.42 plus costs from case number 19-M1-107486. See Exhibit B.

7. The home is underwater on the first and second mortgage. Therefore, both liens impair the homestead exemption pursuant to 11 U.S.C. §522(f) and should be avoided in their entireties.

WHEREFORE, Debtor, respectfully requests this Honorable Court to enter an Order avoiding the liens of Midland Credit Management, Inc., and Discover Bank, and for such other and further relief as this Court deems fair and just.

Respectfully Submitted,

/s/ Dustin B. Allen.
Dustin B. Allen (#6312451)
Attorney for Debtor
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Skokie, IL 60077
Dustin@FreydinLaw.com
Phone: 773-980-9004